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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Paul A. Mueller et al.
FOR : **ADJUSTABLE SHELVING SYSTEM**
SERIAL NO. : 10/686,096
FILED : October 14, 2003
EXAMINER : Unknown
ART UNIT : 3632
CONFIRMATION NO. : 6823
ATTORNEY DOCKET NO. : **FFRZ 2 00229**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with the United States Patent and Trademark Office OG Notice dated 05 August 2003, waiving the requirement under 37 C.F.R. §1.98(a)(2)(i), for submitting a copy of each cited U.S. patent and U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicant(s) has not enclosed copies of the cited U.S. patents and applications with this Disclosure.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language. Applicants offer the following comments for the references that are not in English.

Document AM, the European 270,016 publication, discloses a shelf 11 with a front label holder 13 and a plurality of divider walls 14 which are slidably disposed in relation to the label holder. To this end, the divider walls 14 each have a protrusion 32 which is accommodated in a channel 20 in the front label holder 13.

Document AN, the European 986,980 publication, discloses a pusher element 2 which can apparently be locked in a rearward position in relation to a track 4. To this end, a protrusion 38 of a base wall 6 of the pusher 2 can be selectively accommodated in an opening 32 provided on a side 20 of the track 4.

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☒ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **INTERNATIONAL SEARCH REPORT:** Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FINAL ACTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 06-0308.

☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one

or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application. In accordance with § 609 MPEP, only copies of art not previously submitted are enclosed.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

December 15, 2004

Date


Jay F. Moldovanyi
Reg. No. 29,678
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518
216/861-5582

CERTIFICATE OF MAILING

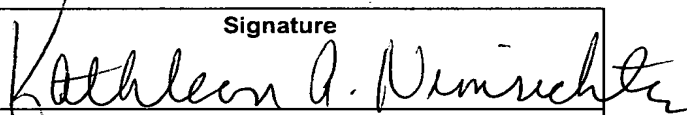
I certify that this Information Disclosure Statement and accompanying document(s) are being

☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT(S)**

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Sheet 1 of 4

COMPLETE IF KNOWN

Application Number	10/686,096
Filing Date	October 14, 2003
First Named Inventor	Paul A. Mueller et al.
Art Unit	3632
Examiner Name	
Attorney Docket No.	FFRZ 2 00229

U.S. PATENT DOCUMENTS

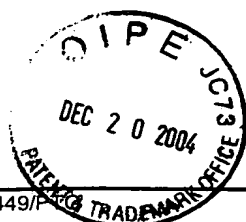
Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Issue Date/ Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	AA	1,971,749	08/1934	Hamilton
	AB	2,079,754	05/1937	Waxgiser
	AC	2,678,045	05/1954	Erhard
	AD	3,161,295	12/1964	Chesley
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		Country Code-Number Kind Code (if known)			
	AM	EP 270,016	06/1988	Schenk	
	AN	EP 986,980	03/2000	Financiere Internationale Sitour	
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	AP	GB 2,290,077	12/1995	PPE Limited	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
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	BN				
	BO				
	BP				

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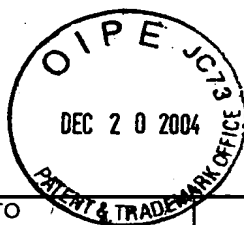
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	CL	D 472,411	04/2003	Burke

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	CO				
	CP				

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Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Issue Date/ Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
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	DB	US 2002/0108916	08/2002	Nickerson
	DC	US 2002/0170866	11/2002	Johnson et al.
	DD	US 2003/0217980	11/2003	Johnson et al.
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	DH			
	DI			
	DJ			
	DK			
	DL			

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		Country Code-Number Kind Code (if known)			
	DM				
	DN				
	DO				
	DP				

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	DR		
	DS		
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